

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRYAN E. JOHNSON,  
Plaintiff,  
v.  
JUDY SNOW,  
Defendant.

Case No. C08-5570 RJB/KLS

## ORDER TO SHOW CAUSE

JUDY SNOW,  
Defendant.

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on Plaintiff's filing of a motion to proceed *in forma pauperis*. Dkt. # 1. Plaintiff is currently detained at the Pierce County Jail in Tacoma, Washington. To file a complaint and initial legal proceedings, a plaintiff must file a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

The court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Several district courts have ruled that denial of *in forma pauperis* status is not unreasonable when a prisoner is able to pay the initial expenses required to commence a lawsuit. *See* *Temple v. Ellerthorpe*, 586 F.Supp. 848 (D.R.I. 1984); *Braden v. Estelle*, 428 F.Supp. 595 (S.D.Tex. 1977); *U.S. ex rel. Irons v. Com. of Pa.*, 407 F.Supp. 746 (M.D.Pa. 1976); *Shimabuku v. Britton*, 357

1 F.Supp. 825 (D.Kan. 1973), *aff'd*, 503 F.2d 38 (10th Cir. 1974); *Ward v. Werner*, 61 F.R.D. 639 (M.D.Pa.  
2 1974).

3 Pursuant to 28 U.S.C. § 1915(a)(2):

4 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or  
5 proceeding without prepayment of fees or security therefor . . . shall submit a certified  
6 copy of the trust fund account statement (or institutional equivalent) for the prisoner for  
7 the 6-month period immediately preceding the filing of the complaint or notice of  
8 appeal, obtained from the appropriate official of each prison at which the prisoner is or  
9 was confined.

10 In his initial application to proceed *in forma pauperis*, Plaintiff failed to provide the Court with  
11 information regarding his inmate trust account. Dkt. # 1. In a separate document dated September 22,  
12 2008, Plaintiff stated that he was submitting a “computer print-out of his inmate trust account,” however  
13 no such print-out was attached. Dkt. # 3. By letter dated September 25, 2008, the Court Clerk advised  
14 Plaintiff that he was required to provide a certified copy of his prison trust account statement showing  
15 transactions for the past six months. Dkt. # 2. Plaintiff promptly responded, stating that he had already  
16 provided the Court with all relevant transactions as he has not been imprisoned for the past six months.  
17 Dkt. # 4.

18 Plaintiff is correct that he need only supply the Court with his prison trust account transactions  
19 relevant to the time he has been imprisoned. However, the document to which he referred in his  
September 22<sup>nd</sup> filing was not included in his mailing to the Court. Therefore, the Court is unable to  
complete its determination of Plaintiff's *in forma pauperis* application.

20 Accordingly, it is **ORDERED**:

21 (1) Plaintiff shall provide the Court with relevant trust account transactions relating to the time  
22 that he has been imprisoned at the Pierce County Jail. Plaintiff shall provide such  
information to the Court **no later than November 14, 2008**; and  
23 (2) The Clerk is directed to send a copy of this Order to Plaintiff.

24 DATED this 20th day of October, 2008.

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26   
27 Karen L. Strombom  
28 United States Magistrate Judge